THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27228 OF 2005

Dt.22.12.2005

Between:

Mohd.Yousuf Khan … Petitioner

And

The Chairman and Managing Director,

C.P.D.C of A.P.Ltd., Singareni Bhavan,

Hyderabad and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The petitioner submits that he is holding electricity service connection bearing No.P2-6890 Service Category LT1 – Domestic at Door No.16-9-749/88, Old Malakpet, Hyderabad. It is stated that an inspection was made on 29.9.2005 and noticed certain irregularities. Based on the said inspection report, energy is said to have been pilferaged/misused by the petitioner at 49,855/- and pending enquiry the said service connection has been disconnected and directed the petitioner to pay half of the said amount for restoration. It is stated that half of the said amount has been paid and the service connection has been restored. However, the petitioner filed a representation with a request for deleting the remaining half of the estimated value of energy misused.

The learned counsel for the petitioner submits that the disconnection of the service connection pursuant to the provisional assessment notice is illegal, unwarranted and contrary to Section 126 of the Electricity Act, 2003. It is stated that the provisional assessment notice has been issued without providing any opportunity to the petitioner to submit his explanation though Section 126(3) of the said Act stipulates for affording an opportunity to file objections. However, the petitioner filed objections, but the same have not been considered and disposed of.

Having regard to the facts and circumstances of the case, the 2nd respondent is directed to consider the said objections of the petitioner and pass appropriate final assessment order in accordance with law by following Section 126(6) of the Act within a period of four weeks from the date of receipt of a copy of this order. Till then, the said service connection of the petitioner shall not be disconnected for non-payment of the alleged remaining estimated pilferage charges. The amount paid by the petitioner pursuant to the provisional assessment notice shall be adjusted as against the amount determined in the final order.

The writ petition is accordingly disposed of. No costs.

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(V.ESWARAIAH, J.)

22.12.2005

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